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May 3, 2022

Honorable Magistrate Judge Katherine H. Parker
United States District Court
Southern District of New York

Re: Rivera v. Lettire Construction Corp.
Case No.: 21-cv-06006-AJN-KHP

Dear Judge Parker:

Defendant's position regarding the scheduled deposition was not included in this letter as required by Rule I(c) of my rules. By Friday May 6, 2022, the parties shall file a letter updating the Court on whether the deposition occurred and how this impacts the discovery schedule.

SO ORDERED:

Katherine H. Parker
HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 5/4/2022

This office represents plaintiff Roman De Gabriel Rivera, whose deposition, as you know is scheduled for tomorrow, May 4, 2022 – remotely. At approximately 4:15 pm today, defendants incredibly served a Supplemental Discovery response disclosing over 200 photographs, multiple other documents, as well as identifying 9 witnesses.

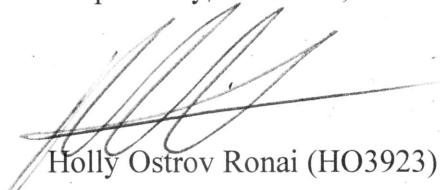
For the Court's convenience, fact discovery is due to be completed on May 17, 2022, and the deposition of defendant Lettire Construction Corp. is scheduled for May 11, 2022, and the remaining defendants, who are various ownership entities, scheduled for May 13, 2022.

Clearly, all of these photographs, documents and names of witnesses should have been disclosed to us much earlier than the evening before the plaintiff's deposition, so that we could adequately prepare. When asked for what the reason why these documents/names were being disclosed the evening before the deposition, defense counsel remained silent. This is pure gamesmanship and solely an attempt to ambush plaintiff.

Accordingly, we cannot go ahead with the deposition tomorrow and are requesting permission to hold plaintiff's deposition after the defendant's depositions are completed, so that we may have the opportunity to review the newly disclosed information with our client, without significantly delaying discovery in this matter.

Thank you for your consideration of our request.

Respectfully submitted,


Holly Ostrov Ronai (HO3923)

Cc: All parties via ECF